SOUTHERN DISTRICT OF NEW YORK		
	X	
JEAN R. AUGUSTE, JR.,	: :	24 Civ. 921 (PAE) (GS)
Plaintiff,	: :	<u>ORDER</u>
- against -	: :	
THE CITY OF NEW YORK, et al.,	:	
Defendants.	: :	
	X	

GARY STEIN, United States Magistrate Judge:

UNITED STATES DISTRICT COURT

The current address on record for Plaintiff, who is proceeding *pro se* and *in forma pauperis*, is the Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370 ("OBCC"), which appears to be where Plaintiff was incarcerated when he initiated this action or shortly thereafter. On April 4, 2024, Plaintiff was discharged from that facility (*see* Dkt. Entries dated May 6, 2024), but, to date, Plaintiff has not informed the Court of his current address. Based on the Court's *sua sponte* review of publicly available records, Plaintiff was arrested on June 4, 2024 and is now incarcerated at Rose M. Singer Enhanced Supervised Housing in East Elmhurst, New York.

Between the time of Plaintiff's discharge from OBCC and now, Defendant Ilissa Brownstein and, separately, Defendants Sim & DePaola LLP and Samuel C. DePaola moved to dismiss Plaintiff's Complaint. (Dkt. Nos. 29 & 33). Defendant Brownstein submitted a Certificate of Service in connection with her motion, indicating her moving papers were mailed to Plaintiff using his prior address at OBCC and an address at a third facility that is listed in Plaintiff's Complaint. (Dkt. No. 32; Dkt. No. 1 at 2). The Sim & DePaola Defendants did not

submit any accompanying affidavit of service with their motion. In addition, despite relying on

several documents in support of their motion (Dkt. Nos. 34-1 & 34-2), which were not attached

to Plaintiff's Complaint, the Sim & DePaola Defendants have not made any representation to the

Court that they have provided the required notice to Plaintiff under Local Civil Rule 12.1.

Accordingly, based on the current state of affairs outlined above:

1. The Court, *sua sponte*, respectfully directs the Clerk to update the address on

record for Plaintiff to the following: Jean R. Auguste, Jr., BCN 1412402062,

Rose M. Singer Enhanced Supervised Housing, 19-19 Hazen Street, East

Elmhurst, NY 11370.

2. The Clerk is further directed to mail a copy of the docket sheet in this action,

Docket Nos. 13, 15 & 20, and this Order to Plaintiff at his updated address.

3. Defendants shall promptly mail a copy of their respective motions to dismiss

and supporting papers to Plaintiff at his updated address and submit

corresponding affidavits of service to the Court by no later than June 28, 2024.

4. The Sim & DePaola Defendants are further directed to consult and comply with

Local Civil Rule 12.1 and represent to the Court, by no later than June 28, 2024,

that Plaintiff was provided with appropriate notice thereunder.

5. Plaintiff is directed to submit his opposition to Defendants' respective motions

to dismiss by no later than August 2, 2024.

SO ORDERED.

DATED: New York, New York

June 21, 2024

The Honorable Gary Stein United States Magistrate Judge